TANK NOTES

STATE OF NEW MEXICO ENVIRONMENT DEPARTMENT

... A Newsletter from the Underground Storage Tank Bureau

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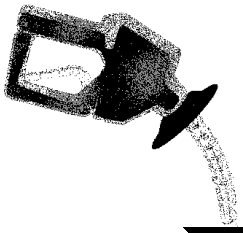
Department pitches secondary containment

Secretary Weidler offers industry a prudent, cost-effective solution to long-term pollution prevention



by Kathy Grassel, editor, Institute of Public Law

A tanker truck pulls in and hooks up a four-inch hose and moves several thousand gallons of gasoline into a tank in a matter of minutes. Is it any wonder that a high percentage of contaminated sites are the result of overfills of a few gallons, repeated many times? The New Mexico Environment Department and the US Environmental Protection Agency want to change that. The EPA has mandated standards for USTs which include overfill protection and overfill containment, among other requirements that must be met by the UST industry by Dec. 22, 1998. Tanks not upgraded by that date will have to be removed from service. The '98 standards will help reduce the incidence of equipment failure and help detect releases, but the overfill prevention and spill containment components of the upgrade requirements are still vulnerable to human error, carelessness, and contrivance. To further minimize the possibility for contamination in areas where the water table is less than 25 feet, or is otherwise highly vulnerable to contamination, or is within a wellhead protection area, the Department is considering legislation that would require the industry to install supplementary (secondary) containment or abatement devices to tank excavations and product delivery piping. If implemented, this proposal would apply to new UST sites or to major renovations to tank systems. Department Secretary Mark Weidler believes the logical time to initiate this added protection is during upgrades to the '98 standards. Weidler subscribes to making the determination for supplementary pollution prevention methods on a site-by-site basis rather than one-size-fits-all. "There are vulnerable areas where we simply have to preclude the possibility of contamination from UST systems," he says.

While some states mandate secondary containment, so far New Mexico does not, so the Department is appealing to industry to get behind it voluntarily. Weidler says the plans do not include retrofits, only new sites or major renovations where the tanks will be pulled. He encourages owners who are scheduling upgrades to contact the UST Bureau for a free assessment of the vulnerability conditions for a proposed site. "We are running this concept as a trial balloon. Some people will embrace it and others will oppose it simply because it's an additional requirement," he says. "We're going public with it at this time because many owners and operators are pulling their tanks to do their upgrades in anticipation of 1998. We want our New Mexico tank owners to be aware of our thinking and capitalize on the opportunity to utilize secondary containment in their installations."

This may become more palatable to owners when they understand that releases occurring after Dec. 22, 1998, will probably not be eligible for reimbursement

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A Quarterly Newsletter of the Underground Storage Tank Bureau, New Mexico Environment Department

TANK NOTES

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from the Corrective Action Fund. The Department believes that responsible parties should rely on private insurance after that date. "When one realizes that the average cost of investigating and remediating a site where groundwater has been affected is $370,000, a few thousand dollars to minimize the chance of a release reaching groundwater is a good investment," Weidler says. The Department is considering potential incentives to help owners accept the need for sound, cost-effective pollution prevention actions.

Secondary containment could be as simple as putting a liner under your tanks. NMED also wants owners to consider secondary containment of the pressurized product lines that go from the tanks to the dispenser pumps. They could be lined with a gradually-sloped 20-mil plastic liner so that if a line fitting failed, the gasoline would be channeled back to the tank containment. No matter what, the contamination would end up in the excavation liner. A simple PVC monitor well could be installed in the excavation so that any release would be readily detectable."

Along with pollution prevention measures for tank and delivery systems, the Department is urging use of simple vapor recovery systems installed during site construction. Weidler describes a common scenario: "Say you and I are using a pump that fails to shut off at precisely the right moment and it belches out an extra half pint of gasoline which spills between the segments of concrete and goes down in the crack. Vapors, being heavier than air, accumulate in the soil under the concrete aprons that surround the pump island." Few, if any, operations are free of this kind of contamination. "So when you're putting in a new installation and before you pour concrete, install two parallel PVC systems, perforated pipes designed to introduce clean air through one set and exhaust vapor-contaminated air through another one. Then provide for a system of circulation powered by something like a wind-driven turbine or a small exhaust blower. By having a continual movement of air, any vapors that get under the aprons would be exhausted in a very timely fashion and you wouldn't have the accumulation of contamination." The Department has estimated the cost to be no more than $1000-$1500 per pump island.

Makes sense, huh? Simple, low-tech initiatives with long-term benefits to the environment and to the pocketbook. Here's the catch: For now, they are voluntary, and cost SOMETHING, maybe just enough to dampen the enthusiasm of operators already wondering how they're going to pay for their upgrades. Taking industry's pulse at the Petroleum Marketers Association meeting in Ruidoso this September, Weidler reports that reaction is mixed. Since his ideas have not been put into law, he says the Department is considering some kind of carrot. "We are prepared to recommend to the legislature that owners who upgrade to pollution prevention recommendations above USEPA standards be eligible for reimbursement of a portion of these costs from the Corrective Action Fund," he says. "Why? Because it will be a cost-effective utilization of the Fund." The other carrot is less direct, rather it concerns the legislature's willingness to rejuvenate, even expand, the Fund for reimbursement of cleanups. "In order to get the legislature to consider buying into renewed funding at a higher level, industry will have to demonstrate that it's making significant moves toward pollution prevention by doing everything it can to minimize releases to the soil and to the groundwater," Weidler says. "These two initiatives make a package that should be welcomed by the legislature."

Weidler and the Department name Jim Shepherd at Ever-Ready Oil Company as an owner/operator who has gone the extra mile at many of his sites to prevent pollution. Ever-Ready's efforts are geared to prevention of releases through double-walled tanks and piping, and a self-designed simple system to detect and immediately remediate any release at his sites. Since upgrading over the last few years, Ever-Ready has not had a new release. Shepherd says he believes the investment in prevention is money well spent when he considers the enormous cost of cleanups.

UST Bureau staff are bracing for more contaminated sites because they expect that tank pulls during the upgrade process will uncover heretofore undiscovered contamination. "I was flabbergasted to learn that the costs in New Mexico of investigating and cleaning up sites where groundwater has been affected average $370,000 per site," Weidler says. "When we go to the legislature and ask for a fund to help clean these sites up, they see numbers like these and ask who's doing the polluting. We want to challenge industry to take a step towards pollution prevention that's never been asked of them before." As a nine-month observer of the politics of Santa Fe, Weidler thinks industry will have to get on board if it expects to have a corrective action fund with enough money to address the projected needs over the coming years which could be as much as $243 million. "We urge the industry to take advantage of this window of opportunity."

Latest on SIR as a release detection method

by Shelda Sutton-Mendoza, USTB Prevention/Inspection Program Manager

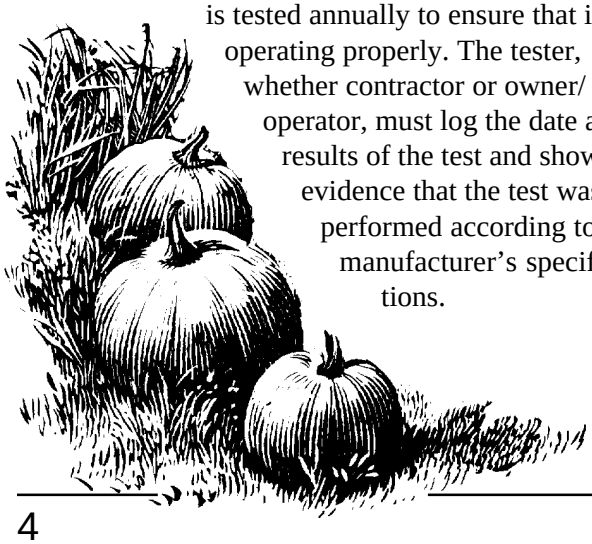
SIR may be an OK method for monthly monitoring, but not the annual line tightness test. Read on!

Statistical Inventory Reconciliation (SIR) may be used as a monthly monitoring method to comply with the leak detection requirement for underground storage tanks and piping *if* the SIR method has been evaluated with a test procedure to certify that it can detect leaks of a certain size with the appropriate probabilities of detection and false alarm, and be performed according to the vendor's specifications. To be allowable as monthly monitoring, a SIR method must be able to detect a leak at least as small as 0.2 gal/hr. Data must be reported monthly with a probability of detection of 0.95 and a probability of false alarm of 0.05.

While all tank owners will have to switch to monthly monitoring within a few years, some are still using inventory control, combined with tank tightness testing. SIR may be substituted for the tank tightness test if the SIR method can detect a leak at least as small as 0.1 gal/hr at the required probability.

As for lines, the Environment Department has NOT approved SIR as a method of line tightness testing. Your SIR method may meet the monthly monitoring requirements for line release detection, but it cannot be used as an annual tightness test.

NOTE TO USERS: No SIR method tests line leak detectors on pressurized lines. Owners and operators must still show that their automatic line leak detector is tested annually to ensure that it is operating properly. The tester, whether contractor or owner/operator, must log the date and results of the test and show evidence that the test was performed according to the manufacturer's specifications.



Get your Certified Scientist applications now!

All REIMBURSED corrective action work at LUST sites must now be performed under the direct responsible supervisory control of a certified scientist. To become a certified scientist, individuals must submit a complete Certified Scientist application and successfully pass the examination. Interim certification will be granted to all applicants who meet the education and/or experience requirements. These applicants will then have until March 2, 1996 to successfully pass the exam. Applications may be picked up at USTB offices in Santa Fe, Las Cruces, Roswell, and Albuquerque. For further information or to receive an application by mail, please contact either Gregg Crandall in Albuquerque at (505) 841-9460, or Jack Ford in Santa Fe at (505) 827-2629. Get those applications in toot-sweet!

UNM offering LUST seminar

A one-credit seminar course will be offered by the Department of Civil Engineering at UNM in the 1996 spring semester, entitled "Management and Remediation of LUSTs." The course, to be held Tuesdays from 7-8 p.m., will focus on the technical and regulatory aspects associated with management and remediation of leaking underground storage tanks. Weekly seminars will be presented by experts, including presentations by course participants. Topics include a summary of the regulatory requirements associated with LUST remediation, corrosion chemistry, summary of remediation alternatives, principles of bioremediation, fluid flow in porous media, and case studies of LUST remediation projects. The course is designed for exchange of the latest regulatory and technical information in this rapidly developing field, and to provide a formal educational opportunity for working professionals to satisfy registration or certification requirements.

Enrollment is limited to persons with a degree in science or engineering, or permission of the instructor. Students enrolled for credit will be expected to either present a seminar or prepare a paper on a relevant topic. For information and details, call Bruce Thomson at 277-4729.

Competitive Bid Selection.. Not Always Low Dollar

by Rita Alexander, Water Resource Specialist III, District I

With the signing of Senate Bill 11 earlier this year came the promise of new regulations and policy. One set of new regulations requires corrective action to be competitively bid in order to be eligible for reimbursement from the Corrective Action Fund. The process began with the formation of a committee made up of consultants, tank owners and regulators to develop the new Competitive Bid regulations. The regulations have been approved by the Secretary of the Environment Department and became effective October 31, 1995.

The owner/operator will have the option of either preparing the bid specifications and soliciting bids from a list of qualified firms and certified scientists or foregoing all or part of this responsibility to UST Bureau staff. In either case, bids will be evaluated by Bureau staff, using a numerical score sheet with points assigned for technical merit and cost effectiveness.

Technical merit is a determination of whether the bid addresses all criteria in the bid specifications and complies with pertinent sections of the New Mexico UST Regulations in a manner compatible with accepted industry standards and practices. The selected bid must demonstrate a familiarity with the region, and site specific characteristics.

Cost effectiveness is demonstrated by the proposed completion of tasks in a manner that is economical in terms of the goods or services received for the money spent. Performance criteria will play a part in cost effectiveness. Performance-based payments will be required for remediation and encouraged, but be optional, for other phases of work as an assurance of accountability. Approaches can range from fixed-priced work to percent reduction of contamination.

Because the bid evaluation will be based on both technical merit and cost effectiveness, the low bid will not always be selected. Quality of the work product is important.

The Bureau is currently developing guidance documents and boiler plate bid specifications for the different phases of corrective action to aid owner/operators in the competitive bid process. It is the hope of the Bureau that the transition to competitive bidding will be an easy one and that the goal of more efficient and effective corrective action will be realized.

How the Competitive Bidding Process Will Work — The Basics

by Jerry Schoeppner and Gregg Crandall

When a release is reported or additional corrective action is required at an active site:

1. The owner/operator has the option of preparing the bid specifications package or having the Department prepare it. In either case, guidance documents and boilerplate bid specifications will be available for use. If the o/o completes the bid specs themselves, they must submit them to the Department for approval before soliciting bids. If the o/o chooses to have the Department complete the bid specs they must request this in writing at least two weeks before the work being bid is required.

2. Once the bid specifications are complete, the o/o has the option of soliciting bids or having the Department do it for them. If the o/o chooses the latter, the Department will randomly select several consultants to receive the RFP. Only qualified firms can complete corrective action work for the work to be eligible for reimbursement. Once contractor certification testing begins, lists of qualified individuals/firms will be generated and supplied to the o/o upon request. Anyone can bid until then.

3. If the o/o has solicited bids they must forward them to the Department for evaluation. If the o/o solicits fewer than three bids, the Department will solicit additional bids.

4. The Department will use scoring sheets in the evaluation process. The project manager for the site will be responsible for filling out the scoring sheet, but with peer review.

Qs & As on competitive bidding

by Jerry Schoeppner, Acting Remedial Action Program Manager, and Gregg Crandall, Program Manager, District I

Q: *When did the new regs take effect?*

The Competitive Bid requirements, included in the Department's Corrective Action Fund regulations, took effect on October 31, 1995.

Q: *What phases of corrective action are required to be competitively bid?*

All phases of corrective action must be competitively bid except Phase 2 (removing free product or highly contaminated soils), but the free product removal would have to be completed within 30 days. That means all work associated with the MSA and Phase 1 and Phases 3 through 5 must be competitively bid. If free product removal is not completed within 30 days, it must also be competitively bid. Note that initial abatement and emergency response work does not have to bid out, nor does work at sites for which the owner/operator is not seeking reimbursement (§301).

Q: *Are multi-phase bid specifications acceptable?*

Yes. As long as there is adequate site understanding to plan more than one phase. While a Phase 3 - Phase 5 bid specification is appropriate, there may be inadequate site information to support an MSA - Phase 1 bid specification. Project managers will determine whether a multi-phase bid is appropriate for a particular site.

Q: *What about workplans that were approved before the regulations took effect, but the work hasn't been completed?*

Workplans approved prior to the effective date will not be affected by the competitive bid requirements.

Q: *What about current multi-site contracts between an owner/operator and their chosen consultant entered into before the new regulations took effect?*

It has to be demonstrated to the Department that a binding contract between the owner/operator and consultant exists. A handshake alone does not constitute a contract. If the contract was in place before October 31, 1995, the Department will only determine if it is a valid contract. It need not have been competitively awarded.

Q: *What about future multi-site contracts between the owner/operator and their chosen consultant?*

Multi-site contracts must be competitively bid. The Department will not prepare bid specifications or solicit bids for these contracts but will review and approve the specs prepared by the o/o and evaluate the bids the o/o receives (§302.D).

Q: *How many bids are required under the new regs?*

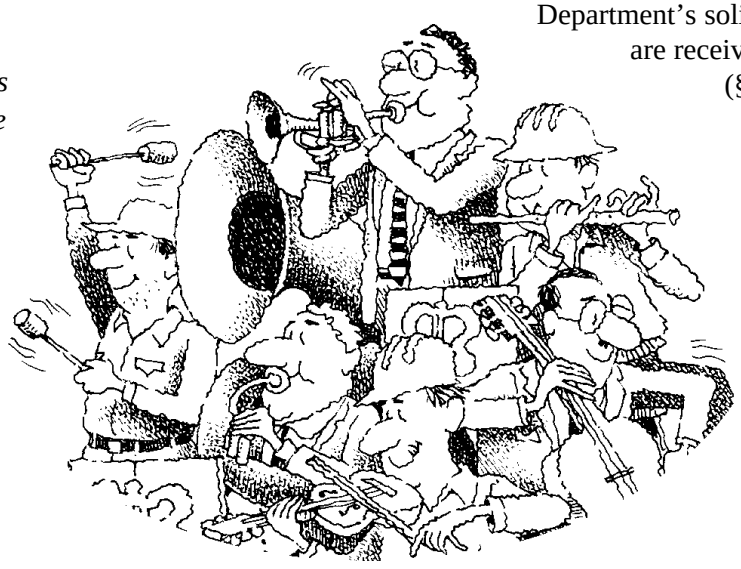
According to §302.B, at least three bids must be submitted to the Department for each RFP.

Q: *What if three bids aren't submitted?*

The Department will solicit additional bids from a number of contractors, randomly selected using a lottery type arrangement. If fewer than three responsive bids are received in response to the Department's solicitation, whatever bids are received will be evaluated (§302.B).

Q: *How will the owner/operator know who to contact for bids*?

The Department will furnish the o/o with a list of qualified firms, which will be generated from the certified scientist tests (see article p.4). Until the list is available, the Department can



BUREAU STAFF, OWNERS AND OPERATORS WORK OUT PAY-FOR-PERFORMANCE CRITERIA

direct the o/o to the Yellow Pages or generate a list from ads in the paper, although the o/o will need to make sure the firms to be solicited use certified scientists. The o/o must select on their own the firms to be solicited.

Q: *Are bidding firms required to employ a certified scientist to directly oversee work at the site?*

Yes, for the work to be eligible for reimbursement, certified scientists must exercise "direct responsible supervisory control" of the project. All bids must list the certified scientist who will oversee work at the site.

Q: *Who develops the bid specifications?*

Either the o/o (with Department approval) or the Department, if the o/o requests Department help in writing within two weeks of when the work being bid is required (§302.A.2). However, in the case of multi-site bids, the o/o must prepare the specs.

Q: *Must the lowest bid always be selected?*

No! Bids are to be evaluated on both technical merit and cost effectiveness. The most cost effective approach isn't always the least expensive. Justification for approving a bid other than the lowest bid includes pay-for-performance criteria, site-specific considerations, or unrealistically low bids (§302.C.3).

Q: *Can all bids be rejected?*

Yes, for either cost-effectiveness or technical merit reasons (§302.C.2).

Q: *What if there is a tie between two or more bidders?*

If two firms are scored equally on technical merit, and their costs are identical, the Department will request a revised sealed final bid for the associated costs. The low bid will be selected.

Q: *How much time do the o/o and the Department have to develop bid specifications and receive bids?*

An automatic 30-day extension is granted to owners/operators to complete the contractor selection process (§308). If the o/o requests that the Department prepare the bid specifications, the Department will use the 30 days to develop and send out bid specs, and evaluate them. Boilerplate bid specifications will be prepared for each phase of corrective action, which project managers can adjust to fit the individual site.

Q: *How much time does the Department have to evaluate the bids and select a winner?*

As long as the bids are received within the 30-day period, the regulations have been satisfied. The timeline then stops for the evaluation of the bids much as is done now. If needed, time extensions are allowed under §1221 of the UST regs.

Q: *How are cost-effectiveness and technical merit determined?*

Bids will be evaluated using a numerical scoresheet similar to that used for the two-tiered competitive selection process used for selecting state-lead contractors. Scoresheets will be unique for each phase of corrective action being bid.

Q: *What if an o/o wishes to enter into a contract with a firm other than the one which won the competitive bid?*

Owners/operators may select whomever they wish to perform corrective action at their sites. However, for the costs to be reimbursable from the Corrective Action Fund, the work must be supervised by a certified scientist, the Department must approve the technical merit of the proposed workplan, and the reimbursed costs must not exceed those of the bid selected by the Department for the site (§304.D).

Q: *What must be included in a bid specification?*

Bid specifications must state which sections of the USTR the work is intended to fulfill. Bids must meet all requirements in the bid specifications, and encompass all projected costs for carrying out all the work outlined in the bid specifications (§303).

Q: *What are some of the optional items that can be included in bid specifications?*

Bid specifications may include additional work beyond the section of the USTR the work is to fulfill, if pre-approved by the Department. Bid specifications may also require that firms accept direct payment from the Fund (§303.A).

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Q: *Are performance criteria required in bid specifications for remediation?*

YES! Performance criteria of some sort must be present in all remediation (Phases 3 - 5) bid specifications. Performance criteria are optional but encouraged for non-remediation (MSA, Phase 1) bid specifications (§303.E).

Q: *Are in-state firms favored in the bid selection process?*

Yes. If a non-resident firm submits the lowest bid, it must remain lower than the lowest in-state bid when the in-state bid is multiplied by a factor of 0.95 (§304.B). However, the Department may still select the higher-priced non-resident firm, if justified, for the reasons listed in §302.C.3.

Q: *Are the costs of bid preparation reimbursable?*

Yes, for the winning bid only, as long as the costs are included in the first workplan prepared pursuant to the selected bid and approved by the Department (§304.C).

Q: *After a winning bid is selected, does a workplan and cost schedule for the work need to be prepared?*

The winning responsive bid may constitute a workplan and budget for the work. Separate workplans and budgets may be required by the Department for all or part of the bid specifications (§305.A and B).

Q: *Once a firm has been selected, does its work need to be pre-approved for reimbursement?*

Yes. Workplans and budgets must be pre-approved for the costs to be eligible for reimbursement (§305.C).

Doing More with Less

(Please excuse any delays)

Since the Bureau's income has been cut in half, we're trying to stretch remaining money as far as possible. Seven positions in the Remedial Action Program are being held vacant indefinitely. The caseloads for existing project managers are, well, pretty high. We're averaging 50 sites each!

Disclosure Forms Updated

by Gale Hill

Affiliate disclosure forms have been updated, both for the owner/operator and the consultant. The first page of each form has been changed to add the facility number, together with the name and address of the owner/operator or consultant. This will help the Bureau match the owner/operator's and the consultant's forms. Both forms have to be on file before the Bureau can act on a claim for reimbursement from the Corrective Action Fund for workplans dated June 19, 1995, and after. To receive the new forms, call the Reimbursement Section at 827-2716, or pick it up at the UST reimbursement booth at the November conference.

EPA Free Product Recovery Manual in the Works

by Jane Cramer, Geologist II, USTB District I

The EPA recently released for review a draft manual titled: **How to Effectively Recover Free Product - A Guide for State Regulators.** The five-chapter, 100-page manual covers the corrective action process (as related to free product recovery), the behavior of hydrocarbons in the subsurface, methods for evaluating extent, volume, and recoverability, and recovery plans. The manual includes easy-reference tools such as summary tables, checklists and flow-charts. It ends with 14 pages of references, sources of information, and a glossary of terms. The manual is useful both for reading cover to cover to get an overview, and for skipping around to look for specific information or for solutions to a particular problem.

In the section on the behavior of hydrocarbons in the subsurface, the manual details how migration is controlled by the properties of the petroleum hydrocarbon in conjunction with the hydrogeologic setting. The hydrogeologic setting includes characteristics of the subsurface media, the groundwater flow setting, and site-specific history, such as the age, volume and rate of the release.

The properties of petroleum hydrocarbons which influence migration depend on the chemistry which in turn results in varying solubilities, volatilities and viscosities. The manual provides extensive reference information on the chemistry of petroleum hydrocarbons and its usefulness in interpreting site data. For instance petroleum products typically consist of hundreds of compounds in petroleum-derived chemicals and other additives, added to aid in fuel performance and engine longevity, to assist in wear reduction, or to provide a color code of the product.

Some compounds found in gas can be indicators of a release. Oxygenated compounds, alcohols and ethers (methyl-tertiary-butyl ether or MTBE), function as octane boosters. MTBE is more soluble and can be the leading edge of a plume. Ethylene dibromide (EDB), also found in some leaded gasolines, may be an indicator of a leaded gasoline release. EDB should be used carefully as an indicator of petroleum contamination, however, as it may be attributed to other sources such as agricultural chemical applications. Lead may also be an indicator of a leaded gasoline release. However, it also must be used with caution as an indicator because many native soils and other earth materials commonly contain lead.

The manual discusses the chemistry and properties of middle distillates, such as diesel fuel, kerosene, jet fuel and heavy fuel oils and lubricants.

Free product recovery plans covered in the manual focus on the physical removal technologies of skimming, bailing, and extracting (pumping). The manual details the design considerations and specifications for four main approaches to free product recovery:

- collection of free product using skimming equipment in wells, trenches, or excavations:
- pumping of free product by depressing the water table to enhance migration of free product to a well or drain;
- vapor extraction/groundwater extraction from separate wells, and;
- simultaneous withdrawal of vapors (air and vapor phase) and fluids (ground water and free product) from the same well.

The manual also discusses each system's applicability, operation and maintenance, and monitoring and termination activities. A conspicuous omission in the manual is remediation of free product by sparge-and-vent technologies.

The New Mexico Difference

While many states mandate physical removal of free product, New Mexico is one of the few states that has allowed, and has had success with, remediation of free product by sparge-and-vent technologies. Sparging and venting removes free product through volatilization and subsequent biodegradation without direct physical removal of the free product. Free product is essentially air-stripped and is then accessible to digestion by microorganisms (biodegradation). Particular attention must be paid to downgradient containment when applying this technology.

The sparge and vent method of free product recovery is considered an emerging technology in most states and has not been widely used. In New Mexico, sparge-and-vent free product remediation has been successfully conducted at locations throughout much of the state, ranging from Albuquerque to Grants, and from Bloomfield to Tucumcari.

A copy of the draft manual is available to the public in the USTB District 1 office in Albuquerque.

EPA announces lender liability rule:

Should New Mexico follow suit?

by Judy Flynn-O'Brien, attorney, Institute of Public Law

The U.S. Environmental Protection Agency has adopted a rule to give lenders who hold security interests in underground storage tanks guidance on when they are and are not "owners" or "operators" responsible for complying with the federal UST regulations. The rule will apply in states in which the federal regulations apply. It will not apply in New Mexico, where USTs are regulated under the state's laws and regulations, although the Environment Department is considering whether similar provisions should be adopted here. Like EPA, the Department is interested in encouraging lending institutions to finance tank upgrades and other measures protective of the environment.

EPA holds the view that the uncertainty of the liability of secured creditors (financial institutions and others who extend secured loans) for UST properties held as collateral has a chilling effect on lenders' willingness to make loans to UST owners. The agency hopes that its new rule will remove a barrier to the financing of UST facilities and result in greater capital availability for owners and operators.

Federal law already contains an explicit exemption from corrective action liability for the secured creditor who does not participate in management of the UST system and is not engaged in petroleum production, refining, and marketing, In its new rule, EPA has gone further and addressed the extent to which lenders are exempt from the range of UST regulations on petroleum USTs, including upgrade, leak detection and other requirements.

A lender is eligible for an exemption, both before and after foreclosure, from compliance with all of the federal regulations as an UST "owner" or "operator" if the lender: (1) holds an ownership interest in an UST, or in a property on which the UST is located, in order to protect its security interest; (2) does not engage in petroleum production, refining, and marketing; and (3) does not participate in the management or operation of the UST. A lender also must empty its USTs within 60 days after foreclosure, and either temporarily or permanently close the USTs unless there is a current operator at the site (other than the lender) who can be held responsible for compliance with UST regulatory requirements.

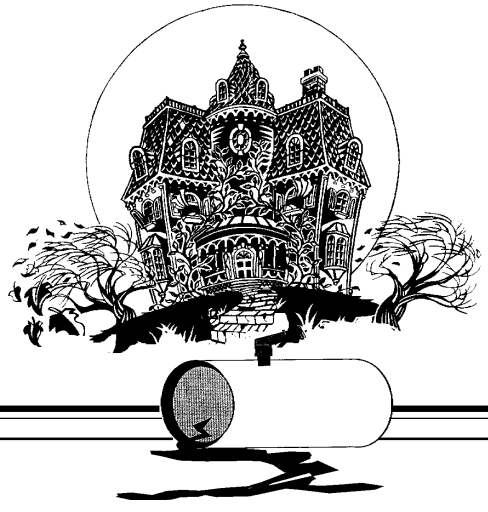
The new federal rule was published in the September 7, 1995 issue of the *Federal Register*. For additional information or a copy of the rule, call the EPA's RCRA/ Superfund Hotline. The toll-free number is 1 800 424-9346. For the hearing-impaired, the number is TDD 1 800 553-7672.

Please call or write the UST Bureau if you have any information that would assist the State in deciding whether to adopt rules on lender liability here.

[adapted from *Environmental Fact Sheet: EPA's Lender Liability Rule for Underground Storage Tanks*, U.S. EPA, September 1995]

Date	Report Person	Phone #
Nov 6-10	Dana Bahar	827-2926
Nov 13-17	Jack Ford	827-2566
Nov 20-24	Steve Jetter	841-9461
Nov 27-Dec 1	David Nye	841-9478
Dec 4-8	Kalvin Martin	841-9186
Dec 11-15	Jane Cramer	841-9477
Dec 18-22	Dana Bahar	827-2926
Dec 25-29	chris holmes	827-2916
Jan 1-5	Jack Ford	827-2566
Jan 8-12	Steve Jetter	841-9461

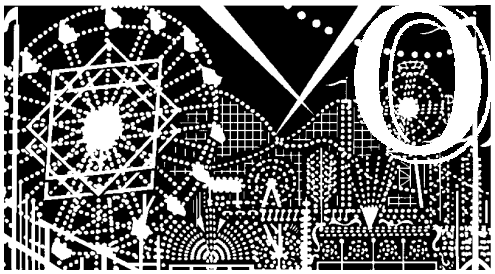
LEAK O' THE WEEK



Getting to Know UST

Pat deGruyter takes on District I staff position

by Kathy Grassel, editor, Institute of Public Law



nly his wife Beverly has ever questioned Pat deGruyter's sanity, and that was recently when he and the two kids, ages 11 and 9, rode the death-defying Swing at the State Fair this year. "The kids made me do it," he says. Otherwise, Pat rolls up his sleeves every day at the UST Bureau's District I office in Albuquerque and delves into the latest reports on the complicated technologies of underground storage tank cleanup. "I get to read all the new stuff that comes in the door," he says. Recently promoted to Geologist III, a technical advisory position, he occupies the Number Two spot at the district office, which means he and Program Manager Gregg Crandall spend most of their time on the myriad technical, staff and administration tasks that make up the world of USTs. "There are spurts when I might be out in the field for a week," Pat says, "but anymore it's usually no more than 15 percent of my time."

Pat grew up in New Mexico and graduated from New Mexico State in 1982 with a degree in geology, after which he worked in the mining and oil and gas industries. He worked for a mining company in Utah and with a seismic exploration company before going to work for the Utah Oil and Gas Commission. After coming back to New Mexico in 1987, he worked for a private UST consultant in Albuquerque and finally ended up at the UST Bureau where he's been now for three years.

Because Pat has worked in the trenches as a project manager and is also savvy about technical issues and technology, we can believe him when he says the state and the regulated community have made a lot of progress cleaning up UST contamination. We can also believe him when he says that a lot more leaky sites are just waiting to be discovered as the UST community confronts the 1998 upgrade deadlines. "I think that as people start doing upgrades or pulling their tanks, we're going to have the challenge of keeping up with all the releases that come in," he says. "Some of the worst tanks may still be in the ground."

Pat says he learns something every day, that one thing he's realized in three years at the Bureau is that UST cleanup is a dynamic industry. "We've all learned a lot about the cost of cleanups and how to do it more effectively." Pat talks about the balancing act of prioritizing sites in order to make the best use of limited resources. He says the Bureau will still have to do more with less even if the full penny is restored to the Corrective Action Fund. "We have to learn how to use the technologies we've got more effectively and continue to make cost-effective decisions," he says. "It's knowledge you can't learn only from books; you've got to learn it from experience."

Jerry Schoeppner named Acting Remedial Action Program Manager

The Remedial Action Program is in good hands with Jerry Schoeppner at the helm as Acting Manager. According to Anna Richards, who held the position before taking over as Bureau Chief, "He's one of those project managers who can handle a tremendous amount of work. He's even-tempered and great to work with. Jerry is a can-do kind of employee."

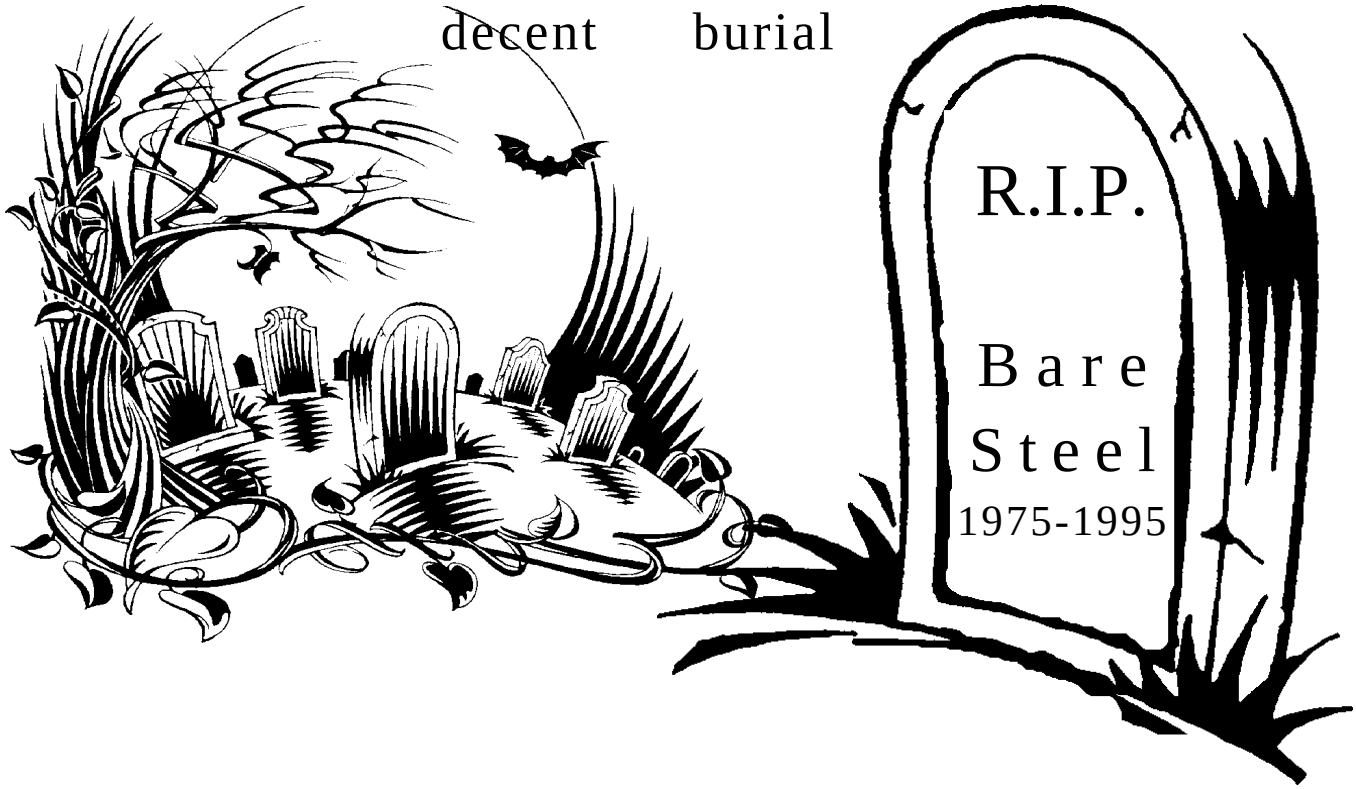
Jerry came to the Bureau as a Water Resource Specialist II, then got promoted to a Geologist II. (See *Getting to Know UST*, Winter 1993/94.) In pre-Bureau days, he'd worked for a civil engineering firm and an environmental laboratory. In addition to his managerial workload, Jerry trains people in field monitoring equipment and makes sure it's in good repair. As Dad Extraordinaire, (his son Juaquin is walking and talking now), he's advising his office mate and dad-to-be Ray Montes on the joys of fatherhood.

DON'T WAIT TILL '98

IF YOU DECIDE TO CLOSE YOUR TANKS IN PLACE, CONSULT PART VIII OF THE REGS. YOU MUST CHECK THE SITE FOR CONTAMINATION. IF YOUR SITE IS CLEAN, THEN YOU MUST DRAIN THE TANKS AND LINES, REMOVE THE SLUDGE, AND FILL THE TANK WITH AN INERT SOLID MATERIAL LIKE SAND OR CEMENT SLURRY.

Closing your tanks?

Give them tanks a decent burial



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